

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Thomas J. Bachinski et al.
 Application No.: 09/406,575 Confirmation No.: 1763
 Filed : September 24, 1999
 For : MEDICAL GRAFTING CONNECTORS AND FASTENERS
 Group Art Unit : 3738
 Examiner : Paul Prebilic

Commissioner for Patents
 Washington, D.C. 20231

New York, New York 10020
 February 26, 2002

SUPPLEMENTAL AMENDMENT AND
 NOTIFICATION PURSUANT TO 37 C.F.R. § 1.604(b)
 IDENTIFYING PUBLISHED PATENT APPLICATIONS
FROM WHICH CLAIMS HAVE BEEN COPIED

Sir:

I. Notification Pursuant to 37 C.F.R. § 1.604(b)

Pursuant to 37 C.F.R. § 1.604(b), applicants are presenting claims known to define the same patentable invention claimed in a pending application of another, and applicants hereby identify the published applications from which the claims have been copied.

Applicants note that additional support for the following claims is found in the specification, figures, and claims of Goldsteen et al. U.S. patent 5,976,178, incorporated by reference into this application at page 3, lines 9-12.

<u>Applicants'</u> <u>Claim No.</u>	<u>Publication No. of</u> <u>Published Application</u>	<u>Published</u> <u>Claim No.</u>
25	WO 01/70091	16
26	WO 01/70091	53+57
27	WO 01/70118	1+6
28	WO 01/70118	1+8
29	WO 01/70118	10

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<u>Applicants'</u> <u>Claim No.</u>	<u>Publication No. of</u> <u>Published Application</u>	<u>Published</u> <u>Claim No.</u>
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30	WO 01/41623	1
31	WO 01/41623	2
32	WO 01/41623	8
33	WO 01/41623	10
34	WO 01/41623	12
35	WO 01/41623	13
36	WO 01/41623	14
37	WO 01/41623	15
38	WO 01/41623	21
39	WO 01/41623	22
40	WO 01/41623	23
41	WO 01/41623	24
42	WO 01/41623	25
43	WO 01/41623	26
44	WO 99/62415	3
45	WO 99/62415	5
46	WO 99/62415	6

*NOTE: Applicants have copied this claim excluding the feature "at a maximum radial expansion, a ratio between axial contraction and radial expansion is more than about 1:10," because this ratio range is nothing more than an arbitrary selection, to which no special significance is attributed in the published application. The omitted language therefore does not refer to a patentably distinct feature.

47	WO 99/62415	7
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*NOTE: Applicants have copied this claim excluding the feature "at a maximum radial expansion, a ratio between axial contraction and radial expansion is between than about 1:10 and 1:5," because this ratio range is nothing more than an arbitrary selection, to which no special significance is attributed in the published application. The omitted language therefore does not refer to a patentably distinct feature.

48	WO 99/62415	8
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*NOTE: Applicants have copied this claim excluding the feature "at a maximum radial expansion, a ratio between axial contraction and radial expansion is between than about 1:5 and 1:2," because this ratio range is nothing more than an arbitrary selection, to which no special significance is attributed in the published application. The omitted language therefore does not refer to a patentably distinct feature.

49	WO 99/62415	9
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*NOTE: Applicants have copied this claim excluding the feature "at a maximum radial expansion, a ratio between axial contraction and radial expansion is between than about 1:2 and 1:1," because this ratio range is nothing more than an arbitrary selection, to which no special significance is attributed in the published application. The omitted

language therefore does not refer to a patentably distinct feature.

<u>Applicants'</u> <u>Claim No.</u>	<u>Publication No. of</u> <u>Published Application</u>	<u>Published</u> <u>Claim No.</u>
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WO 99/62415

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*NOTE: Applicants have copied this claim excluding the feature "at a maximum radial expansion, a ratio between axial contraction and radial expansion is between than about 1:1 and 2:1," because this ratio range is nothing more than an arbitrary selection, to which no special significance is attributed in the published application. The omitted language therefore does not refer to a patentably distinct feature.

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WO 99/62415

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*NOTE: Applicants have copied this claim excluding the feature "at a maximum radial expansion, a ratio between axial contraction and radial expansion is between than about 2:1 and 4:1," because this ratio range is nothing more than an arbitrary selection, to which no special significance is attributed in the published application. The omitted language therefore does not refer to a patentably distinct feature.

52

WO 99/62415

12

*NOTE: Applicants have copied this claim excluding the feature "at a maximum radial expansion, a ratio between axial contraction and radial expansion is less than about 4:1," because this ratio range is nothing more than an arbitrary selection, to which no special significance is attributed in the published application. The omitted language therefore does not refer to a patentably distinct feature.

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*NOTE: Applicants have copied this claim excluding the feature "of about 0.5 millimeters," because this dimension is nothing more than an arbitrary selection, to which no special significance is attributed in the published application. The omitted language therefore does not refer to a patentably distinct feature.

<u>Applicants'</u> <u>Claim No.</u>	<u>Publication No. of</u> <u>Published Application</u>	<u>Published</u> <u>Claim No.</u>
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66	WO 99/62415	105
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*NOTE: Applicants have copied this claim excluding the feature "of between about 0.5 millimeters and 2 millimeters," because this dimensional range is nothing more than an arbitrary selection, to which no special significance is attributed in the published application. The omitted language therefore does not refer to a patentably distinct feature.

67	WO 99/62415	106
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*NOTE: Applicants have copied this claim excluding the feature "of between about 2 millimeters and 5 millimeters," because this dimensional range is nothing more than an arbitrary selection, to which no special significance is attributed in the published application. The omitted language therefore does not refer to a patentably distinct feature.

68	WO 99/62415	107
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*NOTE: Applicants have copied this claim excluding the feature "of between about 5 millimeters and 8 millimeters," because this dimensional range is nothing more than an arbitrary selection, to which no special significance is attributed in the published application. The omitted language therefore does not refer to a patentably distinct feature.

69	WO 99/62415	108
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*NOTE: Applicants have copied this claim excluding the feature "a ratio of about 1:1 between its axial dimension and its diameter," because this ratio is nothing more than an arbitrary selection, to which no special significance is attributed in the published application. The omitted language therefore does not refer to a patentably distinct feature.

70	WO 99/62415	109
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*NOTE: Applicants have copied this claim excluding the feature "a ratio of between about 1:1 and about 1:2 between its axial dimension and its diameter," because this ratio range is nothing more than an arbitrary selection, to which no special significance is attributed in the published application. The omitted language therefore does not refer to a patentably distinct feature.

71	WO 99/62415	110
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*NOTE: Applicants have copied this claim excluding the feature "a ratio of between about 1:2 and about 1:4 between its axial dimension and its diameter," because this ratio range is nothing more than an arbitrary selection, to which no special significance is attributed in the published application. The omitted language therefore does not refer to a patentably distinct feature.

<u>Applicants'</u> <u>Claim No.</u>	<u>Publication No. of</u> <u>Published Application</u>	<u>Published</u> <u>Claim No.</u>
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72	WO 99/62415	111
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*NOTE: Applicants have copied this claim excluding the feature "a ratio of between about 1:4 and about 1:8 between its axial dimension and its diameter," because this ratio range is nothing more than an arbitrary selection, to which no special significance is attributed in the published application. The omitted language therefore does not refer to a patentably distinct feature.

73	WO 99/62415	112
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*NOTE: Applicants have copied this claim excluding the feature "by a factor of less than about 1.5," because this factor range is nothing more than an arbitrary selection, to which no special significance is attributed in the published application. The omitted language therefore does not refer to a patentably distinct feature.

74	WO 99/62415	113
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*NOTE: Applicants have copied this claim excluding the feature "by a factor of between 2 and 4," because this factor range is nothing more than an arbitrary selection, to which no special significance is attributed in the published application. The omitted language therefore does not refer to a patentably distinct feature.

75	WO 99/62415	114
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*NOTE: Applicants have copied this claim excluding the feature "by a factor of between 4 and 8," because this factor range is nothing more than an arbitrary selection, to which no special significance is attributed in the published application. The omitted language therefore does not refer to a patentably distinct feature.

76	WO 99/62415	115
77	WO 99/62415	116
78	WO 99/62415	117
79	WO 99/62415	118
80	WO 99/62415	119
81	WO 99/62415	120
82	WO 99/62415	121
83	WO 99/62415	122
84	WO 99/62415	125
85	WO 99/62415	126
86	WO 99/62415	127
87	WO 99/62415	128
88	WO 99/62415	129
89	WO 99/62415	130
90	WO 99/62415	131
91	WO 99/62415	132
92	WO 99/62415	133
93	WO 99/62415	134
94	WO 99/62415	135

<u>Applicants'</u> <u>Claim No.</u>	<u>Publication No. of</u> <u>Published Application</u>	<u>Published</u> <u>Claim No.</u>
95	WO 99/62415	140
*NOTE: Applicants have copied this claim excluding the feature "a sterility-maintaining packaging," because it is not a patentably distinct feature.		

96	WO 99/62415	141
97	WO 99/62415	177
98	WO 99/62415	178
99	WO 99/62415	179
100	WO 99/62415	180
101	WO 99/62415	181
102	WO 99/62415	182
103	WO 99/62415	185
104	WO 99/62415	188
105	WO 99/62415	189
106	WO 99/62415	192
107	WO 99/62415	193
108	WO 99/62415	197
109	WO 99/62415	198
110	WO 99/62415	199
111	WO 99/62415	209
112	WO 99/62415	210
113	WO 99/62415	211
114	WO 99/62415	212
115	WO 99/62415	213
116	WO 99/62415	214
117	WO 99/62415	215
118	WO 99/62408	1
119	WO 99/62408	2
120	WO 99/62408	3
121	WO 99/62408	10
122	WO 99/62408	11
123	WO 99/62408	12
124	WO 99/62408	13
125	WO 99/62408	14
126	WO 99/62408	15
127	WO 99/62408	16
128	WO 99/62408	17
129	WO 99/62408	18
130	WO 99/62408	19
131	WO 99/62408	20
132	WO 99/62408	21
133	WO 99/62408	22
134	WO 99/62408	25
135	WO 99/62408	26
136	WO 99/62408	27
137	WO 99/62408	28
138	WO 00/56226	42
139	WO 00/56226	43
140	WO 00/56226	65
141	WO 00/56226	66